

Article - Labor and Employment

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§3-414.

(a) In this section, “federal certificate” means a certificate that the United States Department of Labor issues to a work activities center or other sheltered workshop to allow the workshop to pay an individual less than the wage otherwise required for that individual under the federal Act.

(b) (1) Beginning October 1, 2020, the Commissioner may not authorize a work activities center or other sheltered workshop to pay an employee with a disability less than the minimum wage otherwise required under this subtitle for the employee.

(2) Beginning October 1, 2020, a work activities center or workshop may pay an employee with a disability less than the federal prevailing wage of pay to the extent authorized by federal law if the work activities center or other sheltered workshop:

(i) was authorized by the Commissioner before October 1, 2016, to pay an employee with a disability less than the minimum wage that was otherwise required under this subtitle for the employee through the acceptance of a federal certificate; and

(ii) the work activities center or workshop maintains the federal certificate.

(c) The Commissioner shall accept a federal certificate if a work activities center or other sheltered workshop submits that certificate to the Commissioner within 10 days after the workshop receives the certificate.

(d) (1) Each certificate that the Commissioner issues under this section shall state the period for which the certificate is in effect.

(2) The acceptance of a federal certificate does not apply automatically to an individual whom a work activities center or other sheltered workshop continues to employ after the individual completes a training program that the workshop runs.

(e) (1) The Commissioner may revoke acceptance of a federal certificate if:

(i) the United States Department of Labor revokes the federal certificate; or

(ii) at any time before revocation by the Department of Labor and after an investigation and hearing, the Commissioner finds good cause to revoke the acceptance.

(2) The Commissioner shall send notice of a hearing under this subsection, by certified mail, to the holder of the federal certificate at least 30 days before the hearing.

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